

## **CHAPTER 8**

### **SITE GRADING, DRAINAGE AND EROSION CONTROL**

#### **SECTION:**

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#### **5-8-1: GENERAL:**

- A. Objective: The objective of this Chapter is to prevent drainage problems to trees as a result of construction, site grading, landscaping, or other site improvements to real property.
- B. Stormwater Management Regulations: The Lake County Watershed Development Ordinance, as most recently amended by the County of Lake on June 11, 2013, is hereby adopted by reference and is in full force and effect within the Village of Lincolnshire and is found in its own compilation.

#### **5-8-2: REQUIRED PERMITS:**

- A. Major Grading Permit: A major grading permit is required prior to starting any work which will change the existing grade, whether by addition, removal, or repositioning materials, soil or other, including landscaping, where the disturbed area is 5,000 square feet or greater.
- B. Minor Grading Permit: A minor grading permit is required prior to starting any work which will change the existing grade, whether by addition, removal, or repositioning materials, soil or other, including landscaping, where the disturbed area is greater than 1,000 square feet and less than 5,000 square feet; or where the disturbed area is less than 1,000 square feet but where the work will occur within the drip line of a tree.

C. Exemptions:

1. Site grading or landscape work undertaken as part of the original conditions of improvement for a subdivision or planned unit development and done in accordance with plans approved by the Building Official, shall not be subject to the provisions of this Chapter.
2. No permit will be required prior to starting any change to the existing grade, including landscaping, where the disturbed area is less than 1,000 square feet, provided that the proposed work does not create a drainage problem and is not located within the drip line of a tree as defined elsewhere in the Code.

Building permits shall not be issued for the construction of any new structure or modification or addition to an existing structure until a finalized grading plan or revision to an existing grading plan is approved by the Building Official.

D. Permit Extensions and Terminations:

1. Work is authorized under a permit for a period of eighteen months from the date of issuance, or one year after the commencement of work, whichever is later, unless an extension has been granted in writing by the Building Official. The permit holder must request an extension in writing no sooner than 30 days nor less than 14 days prior to the termination of the permit.
2. Any planned site grading or landscaping to a developed property that is designed to cause a material change in the existing topography of the land or, to drainage patterns must be discontinued until a grading plan or revision to an existing grading plan approved by the Building Official unless waived pursuant to the terms of this Chapter.
3. Failure to comply with any condition of the permit or failure to fully disclose all relevant facts at any time shall be grounds for revocation of the permit or denial of a permit extension.

**5-8-3 PLAN REQUIREMENTS:** A grading plan will be required for a major or minor grading permit.

- A. Minor Grading Permit: The applicant shall submit three paper copies of the grading plan.

- B. Major Grading Permit: In addition to three paper copies of the grading plan, the applicant shall submit an electronic copy of the grading plan in accordance with the "Lincolnshire Drawing Data Delivery Specification."
- C. All Grading Plans: The required grading plan shall be prepared by either a registered engineer or a registered land surveyor licensed by the State, shall be presented in a form acceptable to the Building Official, and shall include the following minimum requirements:
1. The plan shall show the name, address, and telephone number of the plan preparer.
  2. The plan shall show the address of the property where the work will occur.
  3. The plan shall be drawn at a scale of no less than one inch equals twenty feet (1" = 20'), except for properties exceeding two (2) acres where a smaller scale maintaining clarity may be accepted at the discretion of the Building Official.
  4. The drawing size of the plan shall be no less than eight and one-half inches by eleven inches (8-1/2" x 11") and no larger than seventeen inches by twenty two inches (17" x 22"), except for properties exceeding ten (10) acres where drawing size can be increased to twenty four inches by thirty six inches (24" x 36").
  5. The plan shall contain a north arrow.
  6. The plan shall show all easements, building setbacks, and Conservancy Rights and Areas.
  7. All elevations shall be on the USGS Datum and bench marks used shall be indicated.
  8. The plan shall show spot elevations of all critical locations.
  9. The plan shall show spot elevations at lot corners and at twenty five foot (25') intervals along the property lines or along the perimeter of the area to be regraded or landscaped.
  10. The plan shall show the elevations and location where drainage courses cross the property lines.

11. The plan shall show existing contours for the entire tract on one foot (1') contour intervals or one-half foot (0.5') contour intervals if the average slope of the tract is two percent (2%) or less.
12. The plan shall show proposed driveway location and gradients.
13. The plan shall show the top of wall, bottom of wall, and construction details of a retaining wall, if applicable. The plan shall also indicate the presence of a rail, if applicable.
14. Where driveway culverts are required, the plan shall show proposed location, size and type of culvert, and shall show gradients at twenty five foot (25') intervals, one hundred feet (100') upstream and downstream from the proposed culvert, including inverts of existing upstream and downstream culverts. Calculations shall be provided to justify the size of the culvert.
15. The plan shall show proposed contours and spot elevations of critical points.
16. The plan shall show proposed building top of foundation, elevations of all entries, and elevations of proposed finished ground grade at all significant points around the proposed building.
17. The plan shall indicate the Flood Zone Designation and the Flood Insurance Rate Map Panel Number for the subject property.
18. The plan shall show floodplain elevation, in conformance to the Lincolnshire floodplain regulations if said floodplain elevation is within three feet (3') of the elevation of the lowest floor of the existing or proposed structure.
19. The plan shall show conformance to the Lincolnshire floodplain regulations.
20. The plan shall show all proposed connections to public sewers and shall include invert elevations, size and location of said public sewers. (Ord. 83-770-24)
21. The plan shall show conformance to all erosion and water management regulations. An erosion control plan shall be included with the site grading and utility plan for review by the Building Official. Erosion control

shall conform to the-Lake County Watershed Development Ordinance, latest edition.

22. The plan shall include provisions and a time schedule for restoring grass and lawns or for other erosion control measures.
23. A minimum of three (3) copies of the plan shall be submitted. Additional copies shall be supplied as requested by the Building Official.
24. The plan shall show location and disposition of downspout, footing drain and sump pump discharge.
25. The plan shall include information on adjacent properties to show contours, drainage courses, structure locations, and foundation elevations, within fifty feet (50') of the subject property.

D. Copy Maintained by Property Owners: A reproducible copy of the original plan shall remain in the possession of the property owners and shall be available at the site for inspection.

**5-8-4: WAIVER OF PERMIT:** A waiver of a separate minor grading permit may be approved by the Building Official in conjunction with the issuance of a building permit only on property previously improved with the principal use or structure, where the project consists only of minor additions to existing dwellings or structures, the construction of accessory buildings, tennis courts, swimming pools, or minor landscaping., and where said work is not contemplated within the drip line of a tree which is to remain.

The waiver request shall be made in writing and shall include a description and address of the property, a brief description and site plan of the work to be performed, and a statement signed by the property owner as follows:

“The applicant certifies that he is the owner of the property described above, and certifies upon investigation that the above described project will not disturb existing topography within three feet (3') of adjacent properties or will not create adverse drainage problems on adjacent property. The applicant further agrees to assume all responsibility for any drainage problems that may be caused directly or indirectly by any action involving the above described project, and further absolves the Village of Lincolnshire of any responsibility for problems or actions that may result from the granting of the waiver of the site grading permit requirements.

*Date*\_\_\_\_\_

Signed \_\_\_\_\_”

**5-8-5: GRADING PLAN WAIVER CONDITIONS:**

- A. Conditions: A minor grading permit may be waived by the Building Official when the following conditions are present:
1. No major watercourse crosses the buildable area of the property.
  2. No portion of proposed building or site grading is within the floodplain.
  3. No filling, grading, paving or construction of auxiliary building or structures is located within ten feet (10') of side or rear lot lines.
  4. The principal structure is located twenty feet (20') or more from any side or rear lot lines.
  5. A contour map of the area or property at no more than two foot (2') intervals and of scale no less than one inch equal to two hundred feet (1"= 200') must be on file in the office of the Building Official, or one must be submitted.
  6. No addition, removal, or repositioning of materials, soil or other, is within the drip line of a tree, unless suitable protection measures are to be taken as approved by the Village Forester.
- B. The request for grading plan waiver shall include the following:
1. Legal description of property.
  2. Brief description of project.
  3. Plot plan of project showing dimensions from lot lines, height of foundation, location of driveway, provisions for roof drainage and proposed grading limits.
  4. A notarized statement signed by the property owner as follows:  
  
“The applicant hereby certifies that he/she is the owner of the previously described property and certifies that the described project will conform to the conditions for plan waiver stated in this Section, and to the best of his/her

knowledge will not create adverse drainage problems on adjacent property. The applicant further agrees to assume all responsibility for any drainage problems that may be caused directly or indirectly by any action involving the above described project, and takes full responsibility for problems or actions that may result.

**5-8-6: FEES:** The fee for a grading permit shall be as prescribed in the Comprehensive Fee Schedule as set forth in Chapter 15 of Title 1 of this Code. Where an existing grading plan is to be revised, a new grading permit shall be requested for a fee as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code.

**5-8-7: CERTIFICATION:**

- A. Upon completion of the proposed site grading, construction and/or landscaping, the applicant shall certify that said site grading, construction, and/or landscaping has been completed according to the grading plan approved. If no grading plan was required, the applicant shall make a certification that the waiver conditions continue to apply to the property after the work was completed.

When changes are made from the original plan, the applicant shall note and certify to compliance with the changed plan.

Certification shall be indicated by a note on one copy of the original plan or, if revised, on the revised plan, as follows:

*"I, \_\_\_\_\_ do hereby certify that this plan is a reasonable depiction of the topography of the described property as existed on this date, and essentially conforms to this plan, filed with the Village of Lincolnshire Director of Public Works as Permit No. \_\_\_\_\_ dated \_\_\_\_\_, 20\_\_\_\_, or to revisions of said plan as noted and approved by the undersigned.*

*Date \_\_\_\_\_*

*Signed \_\_\_\_\_"*

- B. **Additional Requirements: Major Grading Permits**  
The applicant shall prepare and submit a record drawing of the construction. The record drawing shall be made upon a copy of the approved set of plans. If so required, the record drawing shall also be submitted in electronic format in accordance with the "Lincolnshire Drawing Data Delivery Specification."

**5-8-8: VIOLATION AND ENFORCEMENT OF REGULATIONS:** Violations and enforcement of this Chapter shall be in accordance with the provisions set forth in Article 5-1-8 of the Building Regulations.

(Amd. Ord. 02-1797–07, eff. 4/8/02)